

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Food Not Bombs Houston et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:24-cv-338
)	(Consolidated Case: No. 4:23-cv-1206)
)	
City of Houston, Texas,)	
)	
Defendant.)	
)	

JOINT MOTION TO WAIVE JURY TRIAL AND PROCEED WITH BENCH TRIAL

Pursuant to Federal Rule of Civil Procedure 38(d), Plaintiffs Food Not Bombs Houston and Brandon Walsh (Case No. 4:24-cv-338), Plaintiff Phillip Picone (Case No. 4:23-cv-1206), and Defendant City of Houston (collectively, “the Parties”), waive their respective rights to a jury trial so that the trial may proceed as a bench trial.

Accordingly, the Parties respectfully request that this Court convert the trial in this case, currently set for October 14, 2025, to a bench trial.

(Signatures on following page)

Respectfully submitted,

Dated: August 29, 2025.

<p><u>/s/ Randall Hiroshige</u> Randall Hiroshige Texas Bar No. 24124299 Southern District No. 3708688 randy@texascivilrightsproject.org Travis Walker Fife Texas Bar No. 24126956 Southern District No. 3734502 travis@texascivilrightsproject.org Christina Beeler Texas Bar No. 24096124 Southern District No. 3695627 christinab@texascivilrightsproject.org Molly Petchenik Texas Bar No. 24134321 Southern District No 3854546 molly@texascivilrightsproject.org Texas Civil Rights Project P.O. Box 1108 Houston, TX 77251-1108 Tel: 512-474-5073</p> <p>Remington Alessi Texas Bar No. 24120245 Southern District No. 3596602 remingtonalessi@gmail.com P.O. Box 230381 Houston, Texas 77223 Tel: 281-438-3733 Fax: 713-583-7973</p> <p>Caitlyn Silhan Texas State Bar No. 24072879 csilhan@waterskraus.com Waters Kraus Paul 3141 Hood Street, Suite 200 Dallas, Texas 75219 Tel: 214-357-6244 Fax: 214-357-7252</p> <p>ATTORNEYS FOR PLAINTIFFS FOOD NOT BOMBS HOUSTON AND BRANDON WALSH (4:24-cv-338)</p>	<p><u>/s/ Randall L. Kallinen</u> Randall L. Kallinen Texas Bar No. 00790995 Southern District No. 19417 attoreykallinen@aol.com Alexander C. Johnson Texas Bar No. 24123583 Southern District No. 3679181 alex@acj.legal Kallinen Law PLLC 511 Broadway Street Houston, Texas 77012 Telephone: 713-320-3785 Fax: 713-893-6737</p> <p>ATTORNEYS FOR PLAINTIFF PHILLIP PICONE (4:23-cv-1206)</p> <p><u>/s/ M. Lucille Anderson</u> M. Lucille Anderson Senior Assistant City Attorney III Federal ID No. 19377 Texas Bar No. 00793260 MLucille.Anderson@houstontx.gov Kenneth S. Soh Senior Assistant City Attorney Federal Bar No. 19783 Texas Bar No. 00794670 Kenneth.Soh@houstontx.gov City of Houston Legal Department P.O. Box 368 Houston, Texas 77001-0368</p> <p>ATTORNEYS FOR DEFENDANT</p>
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CERTIFICATE OF SERVICE

I certify that on August 29, 2025, a true and correct copy of this document was properly served on all counsel of record via electronic filing.

/s/ Randall Hiroshige
Randall Hiroshige

CERTIFICATE OF CONFERENCE

I certify that on August 25 & 28, 2025, Counsel for Plaintiffs Food Not Bombs Houston and Brandon Walsh conferred with Counsel for Plaintiff Phillip Picone and Counsel for Defendant via email. Each Party supports and joins this Motion.

/s/ Randall Hiroshige
Randall Hiroshige